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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,605	01/10/2002	Chen-Chun Chen	D&F-019	9498

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BEVER HOFFMAN & HARMS, LLP  
TRI-VALLEY OFFICE  
1432 CONCANNON BLVD., BLDG. G  
LIVERMORE, CA 94550

EXAMINER
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GILMAN, ALEXANDER

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/044,605	Applicant(s) CHEN, CHEN-CHUN	
	Examiner Alexander D Gilman	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9, 17 and 21-25 is/are rejected.
- 7) ☒ Claim(s) 4-8, 10-16, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Claim Objections***

Claims 18, 21, 22 objected to because of the following informalities:

Claim 18 should be dependent from claim 10 not from claim 17, since said annular groove mentioned not in claims 9 or 17 but in claim 10.

Claims 21 and 22 should be dependent from claim 1, since claim 20 has been canceled.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3, 9, 17, 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seo in view of Speyer et al

With regard to claims 1-3 Seo (US 6, 364,716) discloses a rotatable non-foldable plug comprising:

- a plug ;
- a rotary case (10);
- a top cover (50a) having a circle opening and an annular frame (52);
- a restricting mechanism for limiting said rotary case to rotate (16, 54).

Seo does not disclose that the restricting mechanism has a first protrusion disposed on a circumferential surface of said rotary case and a second protrusion disposed on an inside wall of said annular frame,

Speyer et al disclose that the restricting mechanism has a first protrusion (32) disposed on a

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circumferential surface of said rotary case and a second protrusion (40) disposed on an inside wall of said annular frame.

With regard to claims 9, 17, and 23, 24 Seo when modified by Speyer et al, discloses all of the limitations including (Fig. 3) a circle opening having a diameter smaller than an inside diameter of said annular frame

With regard to claims 21 and 22, Seo when modified by Speyer et al, discloses all of the limitations including the first and the second protrusion s being respectively integrally formed with the frame and the case.

With regard to claim 25, Seo when modified by Speyer et al discloses all of the limitations except for integrality of the blades and the terminals.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to to make the blades and the terminals integral since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art.

Howard v. Detroit Stove Works, 150 U.S. 164 (1893).

#### ***Allowable Subject Matter***

Claims 4-8, 10, 16, 18, 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

No prior art has been found to anticipate or render obvious the presently claimed subject matter.

Specifically, Examiner agrees with the Applicants, that none of the prior art of record discloses the combination of the limitations presented including the structural features of the plug and the rotary case which allow both rotation and folding (claims 4-8)

Combination of the first protrusion and the annular groove of the case communicating with two types of the respective protrusions of the annular frame (claims 10,-16, 18, 19)

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***Response to Arguments***

Applicant's arguments with respect to claims 1-3, 23 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 12/05/2003 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Seo and Speyer et al both disclose rotatable plugs. Speyer et al suggest the guiding and restriction structural features, well known in the art, for preventing any inclinations during rotation. That features were incorporated in Seo.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander D Gilman whose telephone number is 571 272-2004. The examiner can normally be reached on Monday-Friday, 10:30 a.m. - 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571 272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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02/17/2004

*Alex Gilman*

**ALEXANDER GILMAN  
PRIMARY EXAMINER**